IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

RP.No. 755 of 2007(R)

AGAINST THE JUDGEMENT IN WPC.7509/2007 Dated 30/03/2007
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REVIEW PETITIONER/PETITIONER

S.SAJU, S/O.D.SADANANDAN,
AGED 37 YEARS, GOVERNMENT CONTRACTOR,
'VASANTHAM', VENKULAM, EDAVA PO, VARKALA VIA.,
THIRUVANANTHAPURAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENT/RESPONDENTS & ADDL.3RD AND 4TH RESPONDENTS
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1. VARKALA MUNICIPALITY REPRESENTED BY ITS SECRETARY, OFFICE OF THE VARKALA MUNICIPALITY, THIRUVANANTHAPURAM DISTRICT.

2. VARKALA MUNICIPAL COUNCIL REPRESENTED BY ITS CHAIR PERSON, OFFICE OF THE VARKALA MUNICIPALITY, THIRUVANANTHAPURAM DISTRICT.

3. THE DIRECTOR OF URBAN AFFAIRS, THIRUVANANTHAPURAM.

4. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO THE LOCAL SELF GOVERNMENT DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

R1-R2BY ADV. SRI.J.S.AJITHKUMAR
R3-R4 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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R.P.NO.755 OF 2007 IN W.P.(C) No.7509 of 2007

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Dated: 11th September, 2007

ORDER

My attention was drawn by Mr.Babu Joseph Kuruvathazha, counsel for the review petitioner to Rule 14(5) of the Kerala Municipality (Execution of Public Works and Purchase of Materials) Rules, 1997 and submitted that as per that Rule it is not necessary that the concurrence of the Government is also obtained before the Municipality releases payments. I find merit in the above argument which was not urged before me when the Writ Petition was disposed of. Allowing the Review Petition, I recall the judgment dated 30.3.2007.

Post the Writ Petition on 12.9.2007 in the petition list showing the name of the Government Pleader.

srd **PIUS C.KURIAKOSE, JUDGE**